

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

|                         |   |                                     |
|-------------------------|---|-------------------------------------|
| MICHAEL A. DALTON       | : |                                     |
| Plaintiff,              | : | Case No. 3:06CV0040                 |
|                         | : |                                     |
| vs.                     | : | District Judge Thomas M. Rose       |
|                         | : | Magistrate Judge Sharon L. Ovington |
| WARDEN, PICKAWAY        | : |                                     |
| CORRECTIONAL INSTUTION, | : |                                     |
| Defendants.             | : |                                     |

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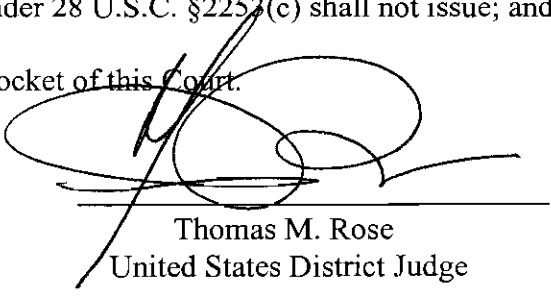
**ORDER**

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The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on January 7, 2009 (Doc. #12) is ADOPTED;
2. Michael Dalton 's Petition for a Writ of Habeas Corpus (Doc. #1) is DENIED and DISMISSED;
3. A certificate of appealability under 28 U.S.C. §2253(c) shall not issue; and
4. The case is terminated on the docket of this Court.

  
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Thomas M. Rose  
United States District Judge